

Message Text

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64

ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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ACDA-10 AID-05 OMB-01 SAB-01 SAM-01 /096 W

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R 011358Z MAR 76

FM AMEMBASSY TEL AVIV

TO SECSTATE WASHDC 405

INFO AMEMBASSY AMMAN

AMEMBASSY BEIRUT

AMEMBASSY CAIRO

AMEMBASSY DAMASCUS

AMCONSUL/JERUSALEM 7441

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E.O. 11652: N/A

TAGS: PFOR, XF, IS, US

SUBJECT: CABINET DISCUSSES END OF WAR FORMULA

REF: TEL AVIV 1317

BEGIN SUMMARY: DURING FEBRUARY 29 CABINET MEETING, RABIN DENIED THAT A) ANY AGREEMENT HAD BEEN REACHED WITH U.S. ON POSSIBLE NEGOTIATIONS WITH JORDAN BASED ON END OF WAR FORMULA INCLUDING ITS TERRITORIAL ASPECT OR THAT B) GOI HAS GIVEN ANY DOCUMENTS TO U.S. ON THIS CONCEPT. MINISTERS CONTESTED WHETHER FEBRUARY 22 CABINET SUMMATION (REFTEL) HAD ENDORSED EXPLORATION OF "END OF WAR" FORMULA, WITH HARDLINERS NOTING THAT NO VOTE HAD BEEN TAKEN AND CABINET HAD MERELY "TAKEN NOTE" OF RABIN'S STATEMENT. REGARDING PRESS REPORTS THAT RABIN-PERES-ALLON NEGOTIATING TRIO CONTINUES TO FUNCTION WITHOUT CABINET CONSENT, RABIN SAID THERE WAS NO PERMANENT POLITICAL TEAM AND THAT ONLY THE FULL CABINET COULD TAKE OPERATIVE DECISIONS. AT GALILI'S INSISTENCE, RABIN AGREED TO THE PUBLICATION OF FEBRUARY 22 SUMMATION ON "END OF WAR" FORMULA.

END SUMMARY

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2. FOLLOWING ARE EXCERPTS FROM FEBRUARY 29 CABINET COMMUNIQUE ON THE "END OF WAR" FORMULA BEGIN TEST: AS THE PRIME MINISTER REPORTED TO THE CABINET ON HIS RETURN FROM HIS VISIT TO THE UNITED STATES, HE DID NOT CONSIDER HIMSELF AUTHORIZED TO GIVE A REPLY TO THE GOVERNMENT OF THE UNITED STATES ON THE MATTER OF THE CONSENT OR NON-CONSENT OF THE ISRAEL GOVERNMENT WITH RESPECT TO THE POSSIBILITY OF NEGOTIATIONS WITH JORDAN CONCERNING THE END OF THE STATE OF WAR. OBVIOUSLY, THEREFORE, NO CONSENT WAS GIVEN ON THE PART OF THE PRIME MINISTER TO ANY MATTER RELATED TO THE POSSIBILITY OF NEGOTIATIONS WITH JORDAN ON THE QUESTION OF ENDING THE STATE OF WAR AND, PARTICULARLY, WITH RESPECT TO THE TERRITORIAL ASPECT.

2. THE PRIME MINISTER STATED THAT, AT THE TIME, A DETAILED DOCUMENT WAS PLACED BEFORE THE CABINET BY THE FORMER ATTORNEY-GENERAL, MEIR SHAMGAR, DEFINING THE CONCEPT OF "END OF THE STATE OF WAR." FOR THE PURPOSE OF UPDATING AND AT THE REQUEST OF THE PRIME MINISTER, THE MINISTER OF FOREIGN AFFAIRS AND THE MINISTER OF JUSTICE DELEGATED THEIR EXPERTS TO PREPARE A DOCUMENT ON THE SUBJECT, WITH THE PARTICIPATION OF THE ATTORNEY-GENERAL, PROFESSOR AHARON BARAK. THIS PREPARATION IS NOT YET COMPLETED. NO DOCUMENT HAS BEEN TRANSMITTED TO THE UNITED STATES OR TO ANY OTHER ADDRESS. NO DISCUSSIONS WITH THE UNITED STATES HAVE AS YET TAKEN PLACE ON THIS MATTER.

3. THE PRIME MINISTER WAS ASKED: REPORTS HAVE APPEARED IN THE PRESS CONCERNING THE EXISTENCE OF A PERMANENT MINISTERIAL TEAM, COMPOSED OF THE PRIME MINISTER, THE DEPUTY PRIME MINISTER AND MINISTER OF FOREIGN AFFAIRS, AND THE MINISTER OF DEFENSE, WHICH HAS AUTHORITY TO DISCUSS ALL MATTERS CONCERNING POLITICAL NEGOTIATIONS. THE CABINET HAS DECIDED THAT THIS IS AN AD-HOC TEAM FOR THE PURPOSE OF THE NEGOTIATIONS WHICH TOOK PLACE AT THE TIME WITH SECRETARY KISSINGER ON THE DISENGAGEMENT AGREEMENT. THE CABINET DID NOT DECIDE ON THE OPERATION OF THIS TEAM FOR ALL PROBLEMS UNDER REVIEW. WHAT IS THE EXACT POSITION ON THIS MATTER?

4. THE PRIME MINISTER REPLIED: NO DECISION WAS MADE ON A
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PERMANENT TEAM TO DETERMINE MATTERS ON ALL POLITICAL ISSUES. HOWEVER, FROM TIME TO TIME THE PRIME MINISTER CONVENES MEETINGS WITH THE PARTICIPATION OF MINISTERS DEALING WITH THE SUBJECT UNDER DISCUSSION, AND THIS FOR PURPOSE OF PREPARATION AND COORDINATION, NOT FOR THE PURPOSE OF DECISION-MAKING. THE DETERMINATION OF DECISIONS IS WITHIN THE COMPETENCE OF THE CABINET ONLY AND NO OPERATIVE DECISION REQUIRING CABINET AUTHORITY HAS BEEN TAKEN EXCEPT AFTER IT HAS BEEN BROUGHT

BEFORE THE FULL CABINET.

5. AT THE REQUEST OF A NUMBER OF CABINET MEMBERS, THE PRIME MINISTER GAVE INSTRUCTIONS FOR THE FULL PUBLICATION OF THE SUMMARY AS DECIDED UPON AT THE CABINET MEETING OF FEBRUARY 22, 1976, REGARDING THE EXAMINATION OF THE POSSIBILITY OF NEGOTIATIONS ON THE END OF THE STATE OF WAR. THE FOLLOWING IS THE SUMMARY: "REPLY TO THE QUESTIONS OF THE GOVERNMENT OF THE UNITED STATES ON THE SUBJECT OF EXAMINING THE POSSIBILITY OF NEGOTIATIONS WITH THE ARAB STATES ON THE END OF THE STATE OF WAR.

"THE CABINET TOOK NOTE OF THE PRIME MINISTER'S STATEMENT, THAT IT IS HIS INTENTION TO MAKE CLEAR, IN RESPONSE TO THE QUESTIONS OF THE U.S. GOVERNMENT, AND IN ACCORDANCE WITH EXISTING CABINET DECISIONS, THE FOLLOWING:

"A) WITH A VIEW TO BRINGING ABOUT NEGOTIATIONS ON PEACE BETWEEN ISRAEL AND ITS NEIGHBORS, THE GOVERNMENT OF ISRAEL REITERATES AND PROPOSES THE CONVENING OF THE GENEVA CONFERENCE ON THE BASIS OF SECURITY COUNCIL RESOLUTIONS 242 AND 338 AND IN KEEPING WITH THE ORIGINAL LETTER OF INVITATION. BEFORE THE CONVENING OF THE CONFERENCE, THE GOVERNMENT WILL DETERMINE THE INSTRUCTIONS FOR THE ISRAELI DELEGATION.

"B) FURTHER TO THE READINESS OF THE GOVERNMENT OF ISRAEL TO CONDUCT NEGOTIATIONS ON PEACE WITH THE NEIGHBORING COUNTRIES, AND IN ACCORDANCE WITH PREVIOUS DECISIONS, THE GOVERNMENT OF ISRAEL IS ALSO PREPARED TO EXAMINE THE POSSIBILITY OF NEGOTIATIONS--THROUGH THE GOOD OFFICES OF THE UNITED STATES-- CONCERNING AGREEMENTS ON THE END OF THE STATE OF WAR, IN ACCORDANCE WITH THE ACCEPTED POLITICAL AND LEGAL MEANING OF THIS TERM IN INTERNATIONAL LAW. IT UNCLASSIFIED

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IS IMPERATIVE THAT THE MEANING OF THE TERM "END OF THE STATE OF WAR" BE AGREED UPON BETWEEN ISRAEL AND THE UNITED STATES. THEREFORE, IT IS PROPOSED THAT THE CLARIFICATION AND THE SUMMARY ON THIS MATTER WITH THE UNITED STATES BE UNDERTAKEN IN THE NEAR FUTURE.

"C) AN OPERATIVE DECISION ON THE OPENING OF NEGOTIATIONS WITH EACH OF THE NEIGHBORING COUNTRIES FOR AN AGREEMENT ON THE END OF THE STATE OF WAR WILL BE TAKEN SEPARATELY AT THE PROPER TIME.

"D) IF THE POSSIBILITY OF OPENING NEGOTIATIONS, IN ACCORDANCE WITH THE ABOVE, SHOULD PRESENT ITSELF, THE CABINET WILL DETERMINE THE DETAILED CONDITIONS WHICH ISRAEL WILL DEMAND AND THE OBLIGATIONS IT WILL BE PREPARED TO ASSUME IN

THE FRAMEWORK OF AN AGREEMENT WITH THE COUNTRY WITH WHICH
IT WILL CONDUCT NEGOTIATIONS ON THE END OF THE STATE OF WAR."
END TEXT

6. THE ABOVE TEXT IS ESSENTIALLY THE SAME AS THAT REPORTED
IN THE PRESS LAST WEEK (REFTEL, PARA 3).
TOON

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